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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,549	07/24/2003	Francois Le Maner	Q71800	8208

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WASHINGTON, DC 20037

EXAMINER

KEASEL, ERIC S

ART UNIT	PAPER NUMBER
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3754

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,549

Applicant(s)

MANER, FRANCOIS LE

Examiner

Eric Keasel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11, 12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 12 and 14-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 26, 2005 has been entered.

Drawings

2. The drawings are objected to because Figure 2 shows various parts in cross section but have some of the parts drawn into adjacent parts. For example, the upper slanted region near ref. no. 45 goes into element 30 and the lower slanted portions of rod 30 extend into the pump body 10. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-9, 11, 12, and 14-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Schultz (US Patent Number 6,170,713).

Schultz discloses a manually actuated fluid dispenser pump comprising a pump body (2), a piston (8) mounted to slide in leaktight manner in said pump body between a rest position and an actuating position, an actuating rod (8) integral to said piston, and a ferrule (17) fixed to the top edge of the pump body, to define the rest position for said piston, said actuating rod being mounted to slide in said ferrule, said pump being characterized in that the ferrule is provided with at least one internal sealing lip (inner part of 17) co-operating in leaktight manner with said actuating rod; said at least one sealing lip extends over the entire periphery of said ferrule; said at least one sealing lip is made integrally with said ferrule; said at least one sealing lip is flexible so that leaktightness is guaranteed between itself and said actuating rod, even when the actuating force exerted on the actuating rod is not exactly axial; said sealing lip of the ferrule centers and/or guides the actuating rod in said ferrule and/or said pump body; said ferrule is made integrally with a fixing ring organized to fix said pump to a fluid reservoir; said ferrule is made of a single material; alternatively the broadly recited ferrule is made of a plurality of materials if

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it is read in combination with element (7); and wherein a part of the piston abuts against the ferrule when the piston is in the rest position (see Fig. 1).

5. Claims 1-9, 11, 12, and 14-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Brocklin et al. (US Patent Number 5,192,006).

Van Brocklin et al. disclose a manually actuated fluid dispenser pump comprising a pump body (20), a piston (70, 72) mounted to slide in leaktight manner in said pump body between a rest position and an actuating position, an actuating rod (70, 72) integral to said piston, and a ferrule (76) fixed to the top edge of the pump body, to define the rest position for said piston, said actuating rod being mounted to slide in said ferrule, said pump being characterized in that the ferrule is provided with at least one internal sealing lip co-operating in leaktight manner with said actuating rod; said at least one sealing lip extends over the entire periphery of said ferrule; said at least one sealing lip is made integrally with said ferrule; said at least one sealing lip is flexible so that leaktightness is guaranteed between itself and said actuating rod, even when the actuating force exerted on the actuating rod is not exactly axial; said sealing lip of the ferrule centers and/or guides the actuating rod in said ferrule and/or said pump body; said ferrule is made integrally with a fixing ring organized to fix said pump to a fluid reservoir; said ferrule is made of a single material; alternatively the broadly recited ferrule is made of a plurality of materials if it is read in combination with element (10); and wherein a part of the piston abuts against the ferrule when the piston is in the rest position (see Fig. 2).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz in view of Arnold et al.

Schultz fails to disclose the plurality of materials for the ferrule (under one interpretation of ferrule). At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have selected the ferrule to be either one material or more than one material because applicant has not disclosed that either design choice provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with a ferrule of one material or more than one material because Arnold et al. disclose that these are known variations of each other. Therefore, it would have been an obvious matter of design choice to modify the invention of Schultz to obtain the invention as specified in claims 8 and 19.

8. Claims 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Brocklin et al. (US Patent Number 5,192,006) in view of Arnold et al.

Van Brocklin et al. fail to disclose the plurality of materials for the ferrule (under one interpretation of ferrule). At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have selected

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the ferrule to be either one material or more than one material because applicant has not disclosed that either design choice provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with a ferrule of one material or more than one material because Arnold et al. disclose that these are known variations of each other. Therefore, it would have been an obvious matter of design choice to modify the invention of Van Brocklin et al. to obtain the invention as specified in claims 8 and 19.

Response to Arguments

9. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Keasel whose telephone number is (571) 272-4929. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on (571) 272-4906. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Eric Keasel". The signature is fluid and cursive, with the first name "Eric" and last name "Keasel" clearly distinguishable.

Eric Keasel
Primary Examiner
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